THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

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WRIT PETITION No.18553 OF 2005

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Dt: 19.09.2005

Between:

The Divisional Forest Officer

Kothagudem, Khammam District … PETITIONER

and others

AND

Sri P.Narasimha Murthy

Working as Forest Section Officer

Wireless, Kothagudem

Khammam District … RESPONDENT

THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

-

WRIT PETITION No.18553 OF 2005

-

ORDER: (per the Hon'ble Smt.Justice T.Meena Kumari)

This Writ Petition is filed by the petitioners-Department to quash the Order dated

27.04.2005 in O.A.No.1805 of 2005 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad.

The petitioners herein are the respondents and the respondent herein is the applicant in the above mentioned O.A.

The respondent-applicant filed the above said O.A aggrieved by the action of the petitioners-Department in not releasing his annual grade increments right from 1990 till date and on the ground that he was kept under suspension illegally and arbitrarily.

It is the case of the petitioners-Department that the respondent-applicant aggrieved against the removal orders passed against him, earlier filed O.A.No.5715 of 1995 before the Tribunal and the Tribunal set aside the said removal orders by an Order dated 12.07.1999 observing that the Department is at liberty to refer the matter to the Tribunal for Disciplinary Proceedings and accordingly, the matter was referred to the Tribunal for Disciplinary Proceedings and the enquiry against the respondent-applicant is pending before it.

Heard the learned counsel and perused the Order impugned.

The Tribunal by the impugned Order directed the Department to pay the subsistence allowance to the respondent-applicant to which he is entitled to, taking into consideration the increments that accrued during the period of his suspension and it further directed to pay the arrears towards difference of subsistence allowance within a period of two months from the date of receipt of a copy of the Order relying upon the Order dated 27.03.2003 in O.A.No.1857 of 2003 on the ground that it is an identical case.

It is contended by the learned counsel for the Department that the respondent-applicant is not entitled for the relief sought before the Tribunal in view of the fact that his case has been referred to the Tribunal for Disciplinary Proceedings and is still pending. It is further contended by the learned counsel that the relief sought for by the respondent-applicant in the present O.A is not similar to that of the relief sought for in O.A.No.1857 of 2003.

The respondent-applicant has filed an affidavit before this Court stating that in case, the disciplinary authorities passes adverse orders against him, subject to the judicial review of the Orders passed by the Tribunal for Disciplinary Proceedings, he is

willing to repay the amounts which are to be released towards increments in view of the Orders passed by the Tribunal in O.A.No.1805 of 2005 dated 27.04.2005.

In view of the above undertaking of the respondent-applicant in the affidavit, we deem it appropriate to direct the petitioner-Department to implement the Orders passed by the Tribunal in O.A.No.1805 of 2005 dated 27.04.2005 within a period of four weeks from the date of receipt of a copy of the Order. However, it is made clear that such release of the amounts is subject to the undertaking given in the affidavit. We also make it clear that the affidavit has become part of the record.

With the above direction, the Writ Petition is disposed of.

(T.MEENA KUMARI, J)

(P.LAKSHMANA REDDY, J)

Dt: 19.09.2005

Note: Furnish C.C within one week

(b.o)

bsv/lvl